

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BYRON CHAPMAN,

NO. CIV. S-04-1339 LKK CMK

Plaintiff,

O R D E R

v.

PIER 1 IMPORTS, et al.,

Defendants.

The court is in receipt of defendant's request to clarify the court's June 16, 2006 order. The court believes that the order speaks for itself. Nonetheless, and in an excess of caution concerning the reading comprehension of the moving party, the court makes the following observations as to the June 16th order.

Plaintiff brought suit pursuant to the American with Disabilities Act and several state law claims, specifically, the Unruh Act (California Civil Code §§ 51 et seq.), and The Disabled Persons Act (California Civil Code §§ 54 et seq.) As explicitly noted in the June 16 order, all the other state law claims raised


1 in plaintiff's complaint were abandoned by plaintiff prior
2 to the cross-motions for summary judgment. Thus, there was and is
3 no occasion for the court to address the abandoned state law
4 claims.

5 With respect to plaintiff's claim pursuant to the Disabled
6 Persons Act, the court notes that neither party briefed this claim.
7 As stated in the order, the court "will only adjudicate those
8 claims which are clearly being moved on. For that reason, the
9 court declines to adjudicate the related state law claims which
10 have not been briefed by either party." Order of June 16, 2006,
11 at 8.

12 In short, the court only adjudicated the claims upon which the
13 parties moved. The court did not adjudicate claims which were
14 either explicitly abandoned or were not briefed.

15 IT IS SO ORDERED.

16 DATED: July 6, 2006.

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18 LAWRENCE K. KARLTON
19 SENIOR JUDGE
20 UNITED STATES DISTRICT COURT
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